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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 FELIX B. GUZMAN, JR.,

13 Defendant.
14

2:13-cr-00296-KJD-VCF

**STIPULATION TO MODIFY CONDITIONS OF
PRETRIAL RELEASE**

15 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
16 Truntanich, United States Attorney, and Jamie L. Mickelson, Assistant United States
17 Attorney, counsel for the United States of America, and Gabriel L. Grasso, Esq, counsel for
18 FELIX B. GUZMAN, JR., that the conditions of pretrial release for defendant Felix
19 Guzman, Jr., be modified as set forth below.

20 (1) Defendant Felix B. Guzman, Jr., was named in Count One of an indictment
21 returned by a grand jury in the District of Nevada on July 31, 2013. (ECF 1.) Defendant did
22 not make his initial appearance in this district until October 3, 2019, because he was unable
23 to be located and arrested. (ECF 80). Defendant was initially arrested in Arizona in August
24

1 2019 after crossing into the United States from Mexico, and was committed to the this
2 district on the outstanding arrest warrant.

3 (2) On October 9, 2019, Magistrate Judge Brenda Weksler held a detention
4 hearing and ordered the defendant released on a personal recognizance bond. (ECF 83, 84.)
5 Defendant was also ordered to reside in a halfway house or community corrections center,
6 as determined by Pretrial Services. *Id.* Notably, for purposes of this motion, defendant was
7 not ordered to surrender his passport, nor to refrain from obtaining any new travel
8 documents.

9 (3) On November 22, 2019, defense counsel filed an unopposed motion to
10 modify the terms of pretrial release, which was granted on December 10, 2019. (ECF 88,
11 89). The modification permits defendant to reside in Arizona with family instead of at the
12 halfway house. Defendant moved to Arizona shortly thereafter, and reported to Pretrial
13 Services there as ordered. At the time, he had a pending case in the District of Arizona as
14 well, which both counsel for the Government and counsel for the defense erroneously
15 believed had been dismissed. *See United States v. Guzman*, 2:08cr598 (D. Arizona).
16 Accordingly, defendant made an initial appearance in that case and was released on a
17 personal recognizance bond. *Id.* at ECF 340, attached hereto as Attachment A. Defendant
18 was ordered to “surrender all travel documents to Pretrial Series and [] not obtain a passport
19 or other travel document during the pendency of these proceedings.” *Id.* Accordingly, on
20 December 19, 2019, defendant surrendered his passport to pretrial services in Arizona.

21 (4) On January 3, 2020, the United States moved to dismiss the indictment in the
22 District of Arizona case. 2:08cr598 at ECF 343, and the motion was granted on January 6,
23 2020 (ECF 344).

1 (5) Defendant has ties to Mexico and spent time in Mexico prior to self-surrendering
2 in this case. Accordingly, surrender of his passport, as well as a condition that he not obtain
3 a new passport, is necessary to ensure the defendant's appearance at trial in this matter. 18
4 U.S.C. § 3142(c)(1)(B)(xiv). Accordingly, the parties hereby stipulate that the conditions of
5 pretrial release should be modified in this case to add the following conditions:

6 (1) The defendant shall surrender any passport and/or passport card to U.S.
7 Pretrial Services or the supervising officer; and

8 (2) The defendant shall not obtain a passport or passport card.

9 (6) Defendant agrees to the requested modification of the conditions of pretrial
10 release.

11
12 DATED this 13th day of January, 2020.

13 NICHOLAS A. TRUTANICH
14 United States Attorney

GABRIEL L. GRASSO, P.C.

15 By: /s/ Jamie Mickelson
16 Jamie Mickelson
Assistant United States Attorney

/s/ Gabriel L. Grasso
Gabriel L. Grasso, Esq.
Counsel for Felix B. Guzman, Jr.

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

2:13-cr-00296-KJD-VCF

4 Plaintiff,

ORDER

5 v.

6 FELIX GUZMAN, JR.,

7 Defendant.

8
9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

12 (1) Defendant Felix B. Guzman, Jr., was named in Count One of an indictment
13 returned by a grand jury in the District of Nevada on July 31, 2013. (ECF 1.) Defendant did
14 not make his initial appearance in this district until October 3, 2019, because he was unable
15 to be located and arrested. (ECF 80). Defendant was initially arrested in Arizona in August
16 2019 after crossing into the United States from Mexico, and was committed to the this
17 district on the outstanding arrest warrant.

18 (2) On October 9, 2019, Magistrate Judge Brenda Weksler held a detention
19 hearing and ordered the defendant released on a personal recognizance bond. (ECF 83, 84.)
20 Defendant was also ordered to reside in a halfway house or community corrections center,
21 as determined by Pretrial Services. *Id.* Defendant was not ordered to surrender his passport,
22 nor to refrain from obtaining any new travel documents.

23 (3) On November 22, 2019, defense counsel filed an unopposed motion to
24 modify the terms of pretrial release, which was granted on December 10, 2019. (ECF 88,

89). The modification permits defendant to reside in Arizona with family instead of at the halfway house. Defendant moved to Arizona shortly thereafter, and reported to Pretrial Services there as ordered. At the time, he had a pending case in the District of Arizona as well, which both counsel for the Government and counsel for the defense erroneously believed had been dismissed. *See United States v. Guzman*, 2:08cr598 (D. Arizona). Accordingly, defendant made an initial appearance in that case and was released on a personal recognizance bond. *Id.* at ECF 340, attached hereto as Attachment A. Defendant was ordered to “surrender all travel documents to Pretrial Series and [] not obtain a passport or other travel document during the pendency of these proceedings.” *Id.* Accordingly, on December 19, 2019, defendant surrendered his passport to pretrial services in Arizona.

(4) On January 3, 2020, the United States moved to dismiss the indictment in the District of Arizona case. 2:08cr598 at ECF 343, and the motion was granted on January 6, 2020 (ECF 344).

(5) Defendant has ties to Mexico and spent time in Mexico prior to self-surrendering in this case. Accordingly, surrender of his passport, as well as a condition that he not obtain a new passport, is necessary to ensure the defendant’s appearance at trial in this matter. 18 U.S.C. § 3142(c)(1)(B)(xiv). Accordingly, the conditions of pretrial release in this matter should be modified to add the following conditions:

(1) The defendant shall surrender any passport and/or passport card to U.S. Pretrial Services or the supervising officer; and

(2) The defendant shall not obtain a passport or passport card.

(6) Defendant agrees to the requested modification of the conditions of pretrial release.

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ORDER

IT IS THEREFORE ORDERED that defendant's conditions of pretrial release shall be modified as follows:

The following additional conditions are imposed:

(1) The defendant shall surrender any passport and/or passport card to U.S. Pretrial Services or the supervising officer; and

(2) The defendant shall not obtain a passport or passport card.

IT IS SO ORDERED

DATED: January 14, 2020



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE